

PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 96-140-E - ORDER NO. 96-434

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JUNE 27, 1996

IN RE: Jerry D. Guest,)	ORDER ON
)	COMPLAINT
Complainant,)	
)	
vs.)	
)	
Duke Power Company,)	
)	
Respondent.)	
)	
)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the complaint of Jerry D. Guest (Mr. Guest) versus Duke Power Company (Duke or the Company). The matter involved termination of power to Mr. Guest's personal home and business due to unpaid sums owed to Duke for electric service. Guest acknowledged owing funds to Duke, but alleged various violations of our regulations by the Company.

A hearing was held on this matter on May 23, 1996 and June 20, 1996. On May 23, 1996, Duke only appeared. Duke was represented by Mary Lynn Grigg, Esquire and Richard Whitt, Esquire. Duke presented the testimony of Barbara Yarbrough as to the situation with both Mr. Guest's residence and his business accounts. Subsequently, it was discovered that Mr. Guest had had to attend a pretrial hearing before Judge Rodney Peoples in Lexington on May 23, 1996. The present hearing was therefore

rescheduled for June 19, 1996, and subsequently for June 20, 1996.

On June 20, 1996, Jerry Guest appeared on his own behalf. Duke once again appeared, and was represented by Mary Lynn Grigg, Esquire and Richard Whitt, Esquire. The Commission Staff was represented by F. David Butler, General Counsel. The Honorable Rudolph Mitchell, Chairman, presided.

The testimony revealed that Jerry D. Guest, due to various financial setbacks, was unable to pay his power bills owed to Duke for both his residence and business accounts. Mr. Guest, at one time, declared bankruptcy, but subsequently, the bankruptcy case was dismissed. Guest further alleged various violations of our termination regulations by Duke. Barbara Yarbrough testified for Duke as to the sums owed it, and to the fact that the Company had attempted to establish various payment plans with Mr. Guest. Mr. Guest, according to the testimony of Barbara Yarbrough, did not comply with the plans as agreed upon, and service was therefore terminated to Mr. Guest.

Mr. Guest testified that Duke failed to follow Commission regulations in terms of termination of service. Duke denies this. On balance, we do not find any violation of our regulations. Guest admits, however, that various sums are owed by him and his company to Duke. We believe that it is in the best interest of Mr. Guest that a payment plan be set up in order that power may be restored to both his residence and his business.

With regard to the residential account, the evidence shows that Mr. Guest has a total unpaid balance on his residential

account of \$1,202.11. We hold that Mr. Guest shall be required to pay \$125.17 per month for twelve (12) months, which will resolve the unpaid balance, and provide Duke with a \$300.00 deposit on the residential account at the end of the twelve (12) month period. We hold that Mr. Guest will be required to make this payment, as well as keep his future usage current on a monthly basis, or he will be subject to disconnection by Duke, pursuant to our Regulations.

With regard to Mr. Guest's business account, Mr. Guest has a total unpaid balance on his business account of \$10,465.63. We hold that Mr. Guest shall be required to pay \$1,500.00 in cash to Duke as an initial deposit. Once this amount has been received, Mr. Guest will be required to pay \$955.47 per month for twelve (12) months, which will resolve the unpaid balance, and will provide Duke with an additional \$1,000.00 deposit on the business account at the end of the twelve (12) month period. We again hold that Mr. Guest will be required to make this payment, as well as keep his future usage current on a monthly basis, or he will be subject to disconnection by Duke, pursuant to our Regulations.

We believe that this holding is in the best interest of the Complainant, and is fair to Duke, in that the Company will receive arrearages owed.

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This Order shall remain in full force and effect until
further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)